IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:-

THE HONOURABLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 7TH DECEMBER 2007 / 16TH AGRAHAYANA 1929

W.A.No.2907 of 2007

AGAINST THE JUDGEMENT IN W.P.(C).NO.33933/2007 DATED 19/11/2007

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APPELLANTS/3RD PARTY:-

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1. SHOJO GEORGE,
   7TH SEMESTER,
   MECHANICAL BRANCH,
   MARY MATHA COLLEGE OF ENGINEERING & TECHNOLOGY,
   PALIYODU,
   DALUMMUGHAM P.O.,
   NEYYATTINKARA,
   THIRUVANANTHAPURAM.

2. UNNIKRISHNAN.R,
   7TH SEMESTER,
   MECHANICAL BRANCH,
   MARY MATHA COLLGE OF ENGINEERING & TECHNOLOGY,
   PALIYODU,
   DALUMMUGHAM P.O.,
   NEYYATTINKARA,
   THIRUVANANTHAPURAM.

3. SIBI. P.S.,
   7TH SEMESTER,
   MECHANICAL BRANCH,
   MARY MATHA COLLEGE OF ENGINEERING & TECHNOLOY,
   PALIYODU,
   DALUMMUGHAM P.O.,
   NEYYATTINKIARA,
   THIRUVANANTHAPURAM.

BY ADV. SRI.M.K.DAMODARAN (SR.)
SRI.P.K.VIJAYAMOHANAN
SMT.RESMI G. NAIR
SRI.GILBERT GEORGE CORREYA

RESPONDENTS/PETITIONER & RESPONDENTS 1 & 2:-

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1. L.WILSON,
   CHAIRMAN,
   MARY MATHA EDUCATION SOCIETY NO.T-284/97,
   OLATHANNI,
   NEYYATTINKARA P.O.,
   THIRUVANANTHAPURAM.

2. REGISTRAR,
UNIVERSITY OF KERALA,
THIRUVANANTHAPURAM.

3. UNIVERSITY OF KERALA,
REPRESENTED BY ITS REGISTRAR,
THIRUVANANTHAPURAM.

R1 BY ADV.MR.N.N.SUGUNAPALAN (SR)
R2 & R3 BY STANDING COUNSEL MR.M.RAJAGOPALAN NAIR

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 07/12/2007 ALONG WITH W.A.NO.2901 OF 2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L.Dattu,C.J. & K.M.Joseph,J.

W.A.Nos.2907 of 2007 & 2901 of 2007

Dated, this the 7th day of December, 2007

JUDGMENT

H.L.Dattu,C.J.

W.A.No.2907 of 2007 is filed by the students of Mary Matha Education Society ("Society" for short).

(2) W.A.No.2901 of 2007 is filed by the Chairman of the Mary Matha Education Society.

(3) In both these Writ Appeals, the appellants call in question the legality or otherwise of the orders passed by the learned Single Judge in W.P.(C). No.33933 of 2007 dated 19th November, 2007.

(4) In the writ petition, the Chairman of the Society had called in question Exhibit P3 notice and Exhibit P6 orders passed by the respondent University. By Exhibit P3 notice, the University has called upon the Society to show cause, why the provisional affiliation granted to the College managed by the Society should not be withdrawn and by Exhibit P6 order, the University has informed the Principal of Mary Matha College of Engineering that the Syndicate of the University in its meeting held on 26.9.2007 has decided that this College will not be a Centre of Examination for B.Tech. Degree Examination, which is scheduled to be held from November/December, 2007 onwards.

(5) In so far as Exhibit P3 notice is concerned, the learned Single Judge is of the opinion that, it is purely in the nature of a show cause notice and since the petitioner has already filed explanation/representation (Exhibit P4), the University is expected to consider the same in accordance with law and pass appropriate orders and, therefore, for the present, the correctness or otherwise of the notice need not be considered by the Court. We cannot take exception to the reasoning of the learned

Judge.

(6) In so far as Exhibit P6 is concerned, the learned Single Judge, after taking note of the inspection report prepared by the University at the instance of the students of 8th Semester Examination, has come to the conclusion that no exception can be taken on the decision taken by the Syndicate of the University, since the same is based on the inspection report, wherein it is stated that the College does not have proper infrastructural and instructional facilities for holding the B.Tech. Degree Examination. The conclusion reached by the Court cannot be faulted by us.

(7) In our opinion, the learned Single Judge has granted more relief than the writ petitioner really deserves. Therefore, we do not see any error in the order passed by the learned Single Judge, which would call for our interference. Therefore, the Writ Appeals require to be rejected and they are rejected.

(8) However, we make it clear that any observation, either made by the learned Single Judge or by us, is only for the purpose of disposal of the Writ Petition and the Writ Appeals.

(9) Before parting with the case, we direct the University to consider Exhibit P4 representation filed by the College in accordanced with law, as expeditiously as possible, at any rate, within forty five days from today.

Ordered accordingly.

H.L.Dattu
Chief Justice

K.M.Joseph
Judge

vku/-